

1 The Honorable Marsha J. Pechman
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 GARY GERBER, on behalf of himself and)
10 others similarly situated,)
11 Plaintiff,) No. C05-1554
12 v.) STIPULATION AND ORDER
13 FIRST HORIZON HOME LOANS CORP.,) ALLOWING DEFENDANT TO FILE
14 Defendant.) REPLY BRIEF IN EXCESS OF PAGE
15) LIMITATIONS ON DEFENDANT'S
16) MOTION TO DISMISS
17) CONSIDERATION DATE:
18) December 9, 2005
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I. STIPULATION

Plaintiff Gary Gerber (“Gerber”) and Defendant First Horizon Home Loans Corp. (“First Horizon”) hereby stipulate to and jointly request the entry of an order allowing First Horizon to file a reply brief that is up to 17 pages long in support of First Horizon’s Motion to Dismiss Plaintiff’s Amended Complaint (the “Dismissal Motion”). The additional pages are necessary to address certain issues raised in Plaintiff’s opposition to the Dismissal Motion and do not result in First Horizon submitting combined briefing that exceeds the total page limits for dispositive motions under the Local Rules.

STIPULATION AND ORDER ALLOWING DEFENDANT TO
FILE REPLY BRIEF IN EXCESS OF PAGE LIMITATIONS ON
DEFENDANT’S MOTION TO DISMISS - 1
Case No. C05-1554

FOSTER PEPPER & SHEFFELMAN PLLC
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II. ORDER

This matter having come before the Court on the stipulation and joint request of the parties and good cause having been shown,

IT IS ORDERED that First Horizon may submit a reply brief not to exceed 17 pages in support of First Horizon's Dismissal Motion.

DATED this _____ day of December, 2005.

Honorable Marsha J. Pechman
United States District Judge

Presented by:

FOSTER PEPPER & SHEFELMAN PLLC

/s/Tim J. Filer
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3 Stipulation and Order Approved,
4 Notice of Presentation Waived:
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7 WILLIAMSON & WILLIAMS
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10 /s/ Rob Williamson (per telephone authority)
11 Rob Williamson, WSBA No. 11387
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STIPULATION AND ORDER ALLOWING DEFENDANT TO
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